

DATE: December 9, 2011

MEMO CODE: SP 06 - 2012

SUBJECT: Applications and Other Household Materials for Limited English Proficient Households

TO: Child Nutrition Programs

On October 28, 2011, the final rule *Applying for Free and Reduced Price Meals in the National School Lunch Program and School Breakfast Program and for Benefits in the Special Milk Program, and Technical Amendments* was published. As a result, State agencies and Local Educational Agencies (LEAs) will need to make changes to household materials (letter, application, instructions, notices, and verification materials) to support the Congressional intent of ensuring no barrier for participation exists for Limited English Proficient (LEP) families. To assist LEAs in redesigning household materials, Food and Nutrition Service (FNS) has issued prototype materials in English and translated them into 33 languages which are available at <http://www.fns.usda.gov/cnd/frp/frp.process.htm>.

The Eligibility Manual was also updated to reflect the new requirements set forth in the rule.

The purpose of this memorandum is to draw attention to important points to consider as LEAs design new materials that communicate with households in a language they can understand.

LEAs are currently assisting LEP families as required under Title VI of the Civil Rights Act of 1964. Under Title VI, LEAs have a responsibility to be aware of the language needs of LEP households and ensure these households have access to the same information other parents have in a manner they can easily understand. LEAs should have a process for determining whether they have LEP parents in their schools and the language needs of these parents. Once an LEA becomes aware of parents' communication needs, the LEA must communicate with them in a manner that provides the parents with meaningful access to information that is provided to non-LEP parents.

LEAs are reminded that information on the availability of free and reduced price application materials is covered by Title VI. These documents can easily be included along with educational materials that are provided to LEP families under the requirements of Title VI. LEAs are encouraged to include the food service department when planning outreach to LEP parents to ensure that all households served by the LEA are adequately notified about the Child Nutrition Programs. In addition, National School Lunch Program regulations at 7 C.F.R. 245.6(a)(2) require that any communication with households for eligibility determination purposes must be in an understandable and uniform format and to the maximum extent practicable, in a language that parents and guardians can understand. By taking the steps described below, State agencies and LEAs can help ensure that low-income children whose parents or guardians' primary language is not English can get the school meals for which they are eligible.

- **Identify the primary language of households that might be eligible for free or reduced price school meals and communicate with households in that language.**

Most schools have a system in place to identify parents' primary language for communications regarding the child's education. State agencies and LEAs should utilize this system to ensure that communications with households regarding the school meal programs are in a language that parents can understand. LEAs can use information gained from using a Home Language Survey, which is conducted at enrollment to determine the dominant language in the home. As an alternative, LEAs could use FNS' "I speak" (<http://www.fns.usda.gov/cnd/frp/Ispeak.pdf>) to identify the appropriate language for communications regarding school meals.

Several languages may be used in a community and it is important that all households be offered LEP services. Simply offering the most common alternative language is not sufficient.

- **Provide written translations.** State agencies or LEAs may choose to develop written translations of their own materials (including applications submitted online) in the most prevalent languages of households in their district. At a minimum, State agencies **must** make FNS' translations of prototype materials available to their LEAs through a link on the web site where household materials are posted and by providing printed copies of the materials as appropriate. FNS also expects LEAs to take appropriate measures to ensure that language and communication are not barriers to program participation. If LEAs do not have their own translated application materials they must at a minimum make FNS' prototype translations available.

In order to make it easier for LEAs to use the translated prototype materials, FNS will make available on its website translations of the household application prototype separate from the notice and verification materials.

- **Provide oral interpretation services.** For parents that speak less prevalent languages or who have limited literacy, State agencies or LEAs should identify oral interpretation services available within the school that can be used to communicate with households about school meal benefits. Parents should not need to rely on family members (especially children) or friends as these people are not always competent to provide quality and accurate interpretations.

State agencies and LEAs are encouraged to also partner with other local resources, such as migrant or refugee assistance agencies, when available.

- **Assist with verification.** State agencies and LEAs are expected to have a system in place to provide verification notices to each household in the primary language of the parents or guardians in the household, follow up with households that do not respond to the initial verification request, and provide oral assistance if the parent or guardian has

difficulty understanding the written request. The Department of Agriculture (USDA) translations of prototype verification materials are available on the FNS web site.

- **Serve parents or guardians with limited literacy.** It is important for State agencies and LEAs to ensure that individuals with limited literacy can understand the household materials. USDA's prototype materials are designed to be comprehensible to someone with low literacy. The Federal government's guidelines for plain writing are available at: <http://www.plainlanguage.gov/howto/guidelines/bigdoc/TOC.cfm>. For parents or guardians who are unable to read, State agencies and LEAs are expected to provide assistance so that they can understand and complete the application, certification, and verification process.
- **Include the required non-discrimination statement.** Parents need to understand that they will be treated fairly if they apply for free or reduced price school meals. The letter to households or the application itself **must** include the non-discrimination statement that appears on USDA's prototype application. It has come to our attention that some LEAs have not included the required non-discrimination statement on either the translated letter to households or the translated application. It is important that this omission be corrected immediately.